

HOUSE No. 1729

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Amend the Foreclosure Statute to Require Judicial Foreclosure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frank I. Smizik	15th Norfolk
Michael W. Morrissey	Norfolk and Plymouth
Harriette L. Chandler	First Worcester
Sonia Chang-Díaz	Second Suffolk
James B. Eldridge	Middlesex and Worcester
Susan C. Fargo	Third Middlesex
Jennifer L. Flanagan	Worcester and Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
John A. Hart, Jr.	First Suffolk
Patricia D. Jehlen	Second Middlesex
Mark C. Montigny	Second Bristol and Plymouth
Richard T. Moore	Worcester and Norfolk
Marc R. Pacheco	First Plymouth and Bristol
Kevin Aguiar	7th Bristol
Geraldo Alicea	6th Worcester
Willie Mae Allen	6th Suffolk
Carlo P. Basile	1st Suffolk
John J. Binienda	17th Worcester
William N. Brownsberger	24th Middlesex

Antonio F.D. Cabral	13th Bristol
Jennifer M. Callahan	18th Worcester
Linda Dean Campbell	15th Essex
James Cantwell	4th Plymouth
Cheryl A. Coakley-Rivera	10th Hampden
Steven J. D'Amico	4th Bristol
Stephen L. DiNatale	3rd Worcester
Paul J. Donato	35th Middlesex
Mark V. Falzone	9th Essex
David L. Flynn	8th Plymouth
Linda Dorcena Forry	12th Suffolk
Gloria L. Fox	7th Suffolk
John P. Fresolo	16th Worcester
Sean Garballey	23rd Middlesex
Anne M. Gobi	5th Worcester
Mary E. Grant	6th Essex
Denis E. Guyer	2nd Berkshire
Jonathan Hecht	29th Middlesex
Louis L. Kafka	8th Norfolk
Jay R. Kaufman	15th Middlesex
Kay Khan	11th Middlesex
Peter V. Kocot	1st Hampshire
Robert M. Koczera	11th Bristol
Barbara A. L'Italien	18th Essex
William Lantigua	16th Essex
Elizabeth A. Malia	11th Suffolk
James J. O'Day	14th Worcester District
Matthew C. Patrick	3rd Barnstable
Sarah K. Peake	4th Barnstable
Vincent A. Pedone	15th Worcester
Denise Provost	27th Middlesex
Angelo J. Puppolo, Jr.	12th Hampden
John F. Quinn	9th Bristol
Pam Richardson	6th Middlesex
Byron Rushing	9th Suffolk
Jeffrey Sánchez	15th Suffolk
Rosemary Sandlin	3rd Hampden
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Carl M. Sciortino, Jr.	34th Middlesex
Theodore C. Speliotis	13th Essex
Robert P. Spellane	13th Worcester

Ellen Story	3rd Hampshire
David B. Sullivan	6th Bristol
Benjamin Swan	11th Hampden
Timothy J. Toomey, Jr.	26th Middlesex
Brian P. Wallace	4th Suffolk
Steven M. Walsh	11th Essex
Martha M. Walz	8th Suffolk
Alice K. Wolf	25th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4735 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AMEND THE FORECLOSURE STATUTE TO REQUIRE JUDICIAL FORECLOSURE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect citizens of the Commonwealth involved in the mortgage foreclosure crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 244 is hereby amended by inserting after Section 1 the following section:—
- 2 “SECTION 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-4 family
3 owner-occupied property located in the commonwealth can only be initiated by the filing of a
4 foreclosure complaint in the Superior Court for the county in which the property is located. A
5 residential mortgagor may raise any and all available claims and defenses to the foreclosure and
6 to the contract for the underlying mortgage loan, in law and in equity. The court shall have the
7 authority to modify the mortgage or grant any other appropriate relief. Mortgagors shall have a
8 right of redemption for six months after the entry of judgment.